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TECHNOLOGY CENTER 2100

In re Application of: Toshihiko Murakami
Application No. 10/663,732
Filed: September 17, 2003
For: DATA TRANSFER METHOD

) **DECISION ON PETITION UNDER 37 CFR 1.181 FOR REVIEW OF DENIAL OF ACCELERATED EXAMINATION STATUS UNDER MPEP §708.02(VIII)**

This is a decision on the petition filed on October 24, 2005 under 37 C.F.R. §1.181 invoking supervisory review with respect to the denial of a petition under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special. This petition is being treated as a renewed request for reconsideration due to Office error.

The Petition is **GRANTED**.

Applicant filed an initial petition December 7, 2004 which was dismissed in a decision mailed March 14, 2005 for failure to adequately describe the references and for failure to provide a sufficient discussion as to how the language of each of the independent claims is patentable over the references provided.

Applicant filed a request for reconsideration on April 11, 2005 to address the noted deficiencies. A decision was rendered on May 16, 2005 stating that it was not clear exactly what petitioner was maintaining as to the relationship of the art and the references, and that under either proposed interpretation, the undersigned found the showing inadequate.

In preparation for a meeting with Applicant's representative, Carl Brundidge, the undersigned reviewed approximately ten decisions on similar petitions. At the meeting, the undersigned agreed that one specific decision was in error because the petition specifically pointed to at least one feature and stated that the particular claim feature was not present in any of the prior art. Accordingly, statements as to the combinations of all the features not being in the prior art, although not helpful, were not dispositive.

The undersigned advised Applicant to submit a request for reconsideration pointing out the agreement and clarifying that the combination of elements referred to constitute a substantial portion of the claim, because this invention is a novel implementation of a method of data handling and there is a necessary interoperability among the steps in order to implement a complete method.

Decision on Petition

Applicant filed the renewed request for this application on July 11, 2005, specifically identifying it as the one for which agreement had been reached. The petition was inadvertently misdirected for decision and dismissed without consideration of the merits (in a communication mailed August 29, 2005) based on language in the previous decision which indicated that renewed petitions would not be entertained..

The aforementioned communication was not consistent with the direction given Applicant's representative and was an Office oversight. The paper submitted on July 11, 2005s was not a renewed petition, but rather a request for reconsideration *submitted at the direction of the deciding official.* The paper should have been entered and treated.

The Office regrets any inconvenience caused by this error and the previous Office communication. The undersigned has determined that all requirements for the granting of special status have been met by Applicant.

The Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in M.P.E.P. §708.02, Section VIII.

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